

SENATE BILL No. 319

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-1-6.5; IC 11-10-2-11; IC 12-7-2-44.4; IC 12-8-1-16; IC 16-18-2-84.5; IC 16-19-3-29; IC 20-18-2-2.7; IC 20-19-3-9; IC 20-21-2-14; IC 20-22-2-14; IC 31-9-2-25.5; IC 31-25-2-10.5.

Synopsis: State employees or contractors who counsel juveniles. Provides that the department of correction, the office of the secretary of family and social services, the state department of health, the department of education, the School for the Deaf, the School for the Blind and Visually Impaired, and the department of child services may provide counseling services for children through state employees or individuals under contract only if the state employees or individuals under contract possess certain licenses or certifications. Provides that ministers, priests, rabbis, and other members of the clergy are exempt from the licensing or certification requirement.

Effective: July 1, 2007.

Miller

January 16, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 319

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-8-1-6.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 6.5. "Counseling services " has the meaning set forth**
4 **in IC 11-10-2-11.**

5 SECTION 2. IC 11-10-2-11 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2007]: **Sec. 11. (a) As used in this section, "counseling services"**
8 **includes:**

9 (1) **evaluating, treating, or giving advice to an individual:**

10 (A) **who has a mental, emotional, or substance abuse**
11 **problem; or**

12 (B) **who seeks:**

13 (i) **instruction in behavior modification;**

14 (ii) **advice concerning interpersonal relationships; or**

15 (iii) **advice concerning problems of daily living, including**
16 **smoking habits, weight loss, and nutrition;**

17 (2) **assisting individuals in identifying and resolving personal,**

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1 social, and vocational concerns; and

2 (3) applying techniques to help individuals learn how to solve
3 problems and make decisions related to personal growth and
4 vocational, family, social, and other interpersonal concerns.

5 (b) Except as provided in subsection (d), the department may
6 provide counseling services to delinquent offenders through state
7 employees or individuals under contract only if the state employees
8 or individuals under contract are:

- 9 (1) physicians licensed under IC 25-22.5;
10 (2) nurses licensed under IC 25-23;
11 (3) marriage and family therapists licensed under IC 25-23.6;
12 (4) certified social workers or certified clinical social workers
13 licensed under IC 25-23.6;
14 (5) psychologists licensed under IC 25-33; or
15 (6) school employees licensed under IC 20-28-5.

16 (c) The department shall develop criteria to identify those
17 functions performed by employees or individuals under contract
18 which are considered counseling services. Functions of correctional
19 officers or other individuals providing custodial services are not
20 considered counseling services.

21 (d) The department may pay for counseling services for
22 delinquent offenders provided by any of the following individuals
23 providing pastoral counseling, regardless of whether the
24 individuals have a license or certification required under
25 subsection (b):

- 26 (1) Ministers.
27 (2) Priests.
28 (3) Rabbis.
29 (4) Other members of the clergy.

30 SECTION 3. IC 12-7-2-44.4 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2007]: Sec. 44.4. "Counseling services" has the meaning set forth
33 in IC 12-8-1-16.

34 SECTION 4. IC 12-8-1-16 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2007]: Sec. 16. (a) As used in this section, "counseling services"
37 includes:

- 38 (1) evaluating, treating, or giving advice to an individual:
39 (A) who has a mental, emotional, or substance abuse
40 problem; or
41 (B) who seeks:
42 (i) instruction in behavior modification;

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- (ii) advice concerning interpersonal relationships; or
- (iii) advice concerning problems of daily living, including smoking habits, weight loss, and nutrition;

(2) assisting individuals in identifying and resolving personal, social, and vocational concerns; and

(3) applying techniques to help individuals learn how to solve problems and make decisions related to personal growth and vocational, family, social, and other interpersonal concerns.

(b) Except as provided in subsection (c), the secretary, through the offices, may provide counseling services to a child through state employees or individuals under contract only if the state employees or individuals under contract are:

- (1) physicians licensed under IC 25-22.5;
- (2) nurses licensed under IC 25-23;
- (3) marriage and family therapists licensed under IC 25-23.6;
- (4) certified social workers or certified clinical social workers licensed under IC 25-23.6;
- (5) psychologists licensed under IC 25-33; or
- (6) school employees licensed under IC 20-28-5.

(c) The secretary, through the office, may pay for counseling services provided to a child by any of the following individuals providing pastoral counseling, regardless of whether the individuals have a license or certification required under subsection (b):

- (1) Ministers.
- (2) Priests.
- (3) Rabbis.
- (4) Other members of the clergy.

SECTION 5. IC 16-18-2-84.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 84.5. "Counseling services" has the meaning set forth in IC 16-19-3-29.**

SECTION 6. IC 16-19-3-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29. (a) As used in this section, "counseling services" includes:**

- (1) evaluating, treating, or giving advice to an individual:
 - (A) who has a mental, emotional, or substance abuse problem; or
 - (B) who seeks:
 - (i) instruction in behavior modification;
 - (ii) advice concerning interpersonal relationships; or

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(iii) advice concerning problems of daily living, including smoking habits, weight loss, and nutrition;

(2) assisting individuals in identifying and resolving personal, social, and vocational concerns; and

(3) applying techniques to help individuals learn how to solve problems and make decisions related to personal growth and vocational, family, social, and other interpersonal concerns.

(b) Except as provided in subsection (c), the state department may provide counseling services to a child through state employees or individuals under contract only if the state employees or individuals under contract are:

(1) physicians licensed under IC 25-22.5;

(2) nurses licensed under IC 25-23;

(3) marriage and family therapists licensed under IC 25-23.6;

(4) certified social workers or certified clinical social workers licensed under IC 25-23.6;

(5) psychologists licensed under IC 25-33; or

(6) school employees licensed under IC 20-28-5.

(c) The state department may pay for counseling services provided to a child by any of the following individuals providing pastoral care, regardless of whether the individuals have a license or certification required under subsection (b):

(1) Ministers.

(2) Priests.

(3) Rabbis.

(4) Other members of the clergy.

SECTION 7. IC 20-18-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. "Counseling services" has the following meaning:

(1) For purposes of IC 20-19-3-9, the meaning set forth in IC 20-19-3-9(a).

(2) For purposes of IC 20-21-2-14, the meaning set forth in IC 20-21-2-14(a).

(3) For purposes of IC 20-22-2-14, the meaning set forth in IC 20-22-2-14(a).

SECTION 8. IC 20-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) As used in this section, "counseling services" includes:

(1) evaluating, treating, or giving advice to an individual:

(A) who has a mental, emotional, or substance abuse problem; or

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- 1 **(B) who seeks:**
- 2 **(i) instruction in behavior modification;**
- 3 **(ii) advice concerning interpersonal relationships; or**
- 4 **(iii) advice concerning problems of daily living, including**
- 5 **smoking habits, weight loss, and nutrition;**
- 6 **(2) assisting individuals in identifying and resolving personal,**
- 7 **social, and vocational concerns; and**
- 8 **(3) applying techniques to help individuals learn how to solve**
- 9 **problems and make decisions related to personal growth and**
- 10 **vocational, family, social, and other interpersonal concerns.**
- 11 **(b) Except as provided in subsection (c), the department may**
- 12 **provide counseling services to a student through state employees**
- 13 **or individuals under contract only if the state employees or**
- 14 **individuals under contract are:**
- 15 **(1) physicians licensed under IC 25-22.5;**
- 16 **(2) nurses licensed under IC 25-23;**
- 17 **(3) marriage and family therapists licensed under IC 25-23.6;**
- 18 **(4) certified social workers or certified clinical social workers**
- 19 **licensed under IC 25-23.6;**
- 20 **(5) psychologists licensed under IC 25-33; or**
- 21 **(6) school employees licensed under IC 20-28-5.**
- 22 **(c) The department may pay for counseling services provided to**
- 23 **a child by any of the following individuals providing pastoral**
- 24 **counseling, regardless of whether the individuals have a license or**
- 25 **certification required under subsection (b):**
- 26 **(1) Ministers.**
- 27 **(2) Priests.**
- 28 **(3) Rabbis.**
- 29 **(4) Other members of the clergy.**
- 30 **SECTION 9. IC 20-21-2-14 IS ADDED TO THE INDIANA CODE**
- 31 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 32 **1, 2007]: Sec. 14. (a) As used in this section, "counseling services"**
- 33 **includes:**
- 34 **(1) evaluating, treating, or giving advice to an individual:**
- 35 **(A) who has a mental, emotional, or substance abuse**
- 36 **problem; or**
- 37 **(B) who seeks:**
- 38 **(i) instruction in behavior modification;**
- 39 **(ii) advice concerning interpersonal relationships; or**
- 40 **(iii) advice concerning problems of daily living, including**
- 41 **smoking habits, weight loss, and nutrition;**
- 42 **(2) assisting individuals in identifying and resolving personal,**



1 social, and vocational concerns; and

2 (3) applying techniques to help individuals learn how to solve
3 problems and make decisions related to personal growth and
4 vocational, family, social, and other interpersonal concerns.

5 (b) Except as provided in subsection (c), the school may provide
6 counseling services to a student through state employees or
7 individuals under contract only if the state employees or
8 individuals under contract are:

9 (1) physicians licensed under IC 25-22.5;

10 (2) nurses licensed under IC 25-23;

11 (3) marriage and family therapists licensed under IC 25-23.6;

12 (4) certified social workers or certified clinical social workers
13 licensed under IC 25-23.6;

14 (5) psychologists licensed under IC 25-33; or

15 (6) school employees licensed under IC 20-28-5.

16 (c) The school may pay for counseling services provided to a
17 child by any of the following individuals providing pastoral
18 counseling, regardless of whether the individuals have a license or
19 certification required under subsection (b):

20 (1) Ministers.

21 (2) Priests.

22 (3) Rabbis.

23 (4) Other members of the clergy.

24 SECTION 10. IC 20-22-2-14 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) As used in this section,
27 "counseling services" includes:

28 (1) evaluating, treating, or giving advice to an individual:

29 (A) who has a mental, emotional, or substance abuse
30 problem; or

31 (B) who seeks:

32 (i) instruction in behavior modification;

33 (ii) advice concerning interpersonal relationships; or

34 (iii) advice concerning problems of daily living, including
35 smoking habits, weight loss, and nutrition;

36 (2) assisting individuals in identifying and resolving personal,
37 social, and vocational concerns; and

38 (3) applying techniques to help individuals learn how to solve
39 problems and make decisions related to personal growth and
40 vocational, family, social, and other interpersonal concerns.

41 (b) Except as provided in subsection (c), the school may provide
42 counseling services to a student through state employees or

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individuals under contract only if the state employees or individuals under contract are:

- (1) physicians licensed under IC 25-22.5;
- (2) nurses licensed under IC 25-23;
- (3) marriage and family therapists licensed under IC 25-23.6;
- (4) certified social workers or certified clinical social workers licensed under IC 25-23.6;
- (5) psychologists licensed under IC 25-33; or
- (6) school employees licensed under IC 20-28-5.

(c) The school may pay for counseling services provided to a child by any of the following individuals providing pastoral counseling, regardless of whether the individuals have a license or certification required under subsection (b):

- (1) Ministers.
- (2) Priests.
- (3) Rabbis.
- (4) Other members of the clergy.

SECTION 11. IC 31-9-2-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 25.5. "Counseling services", for purposes of IC 31-25, has the meaning set forth in IC 31-25-2-10.5.**

SECTION 12. IC 31-25-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. (a) As used in this section, "counseling services" includes:**

- (1) evaluating, treating, or giving advice to an individual:
 - (A) who has a mental, emotional, or substance abuse problem; or
 - (B) who seeks:
 - (i) instruction in behavior modification;
 - (ii) advice concerning interpersonal relationships; or
 - (iii) advice concerning problems of daily living, including smoking habits, weight loss, and nutrition;
- (2) assisting individuals in identifying and resolving personal, social, and vocational concerns; and
- (3) applying techniques to help individuals learn how to solve problems and make decisions related to personal growth and vocational, family, social, and other interpersonal concerns.

(b) Except as provided in subsection (c), the department may provide counseling services to a child through state employees or individuals under contract only if the state employees or individuals under contract are:

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- 1 (1) physicians licensed under IC 25-22.5;
- 2 (2) nurses licensed under IC 25-23;
- 3 (3) marriage and family therapists licensed under IC 25-23.6;
- 4 (4) certified social workers or certified clinical social workers
- 5 licensed under IC 25-23.6;
- 6 (5) psychologists licensed under IC 25-33; or
- 7 (6) school employees licensed under IC 20-28-5.
- 8 (c) The department may pay for counseling services provided to
- 9 a child by any of the following individuals providing pastoral
- 10 counseling, regardless of whether the individuals have a license or
- 11 certification required under subsection (b):
- 12 (1) Ministers.
- 13 (2) Priests.
- 14 (3) Rabbis.
- 15 (4) Other members of the clergy.

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